

Remarks

The Applicant thanks the Examiner for the personal interview conducted on December 29, 2003 and recorded by the Examiner on the Interview Summary mailed January 2, 2004. Reconsideration and allowance of the present application in view of the following remarks and amendments are respectfully requested. To facilitate examination, the Applicant provides the stated objection or rejection expressed by the Examiner in the Office Action mailed November 5, 2003, followed by the action to overcome the particular objection or rejection and place the application in condition for allowance.

The claims were previously the subject of a restriction requirement, with the Applicant electing with traverse Group I, recited by Claims 1-37, and the Species in Figures 3-4 and 5-8, recited by Claims 1-26. The Examiner maintained the restriction requirement; therefore, the Applicant cancels Claims 27-40 in the present Amendment.

Claims 4 and 18 have been indicated as withdrawn because the figures of the elected species do not show "the second portion of the second outer perimeter of said retainer flap extending in a direction not parallel to the central longitudinal axis." The Applicant respectfully traverses this action in that Figure 12, while illustrative of a non-elected species, clearly shows the claimed features recited in Claims 4 and 18, such features being equally applicable to the elected species illustrated in Figures 3-4 and 5-8, as stated in the specification on page 20, lines 4-6. Therefore, the Applicant respectfully requests re-instatement and continued examination of Claims 4 and 18 as dependent claims of the elected species. Alternately, the Applicant requests an opportunity to amend Figure 4 to illustrate the disclosed and claimed feature.

Claims 12 and 26 have been indicated as withdrawn because the Figures of the elected species do not show "superabsorbent polymer." The Applicant respectfully traverses this action in that the claimed feature is integral to or coated on the absorbent 66 illustrated in Figure 4, as described in the specification on page 12, lines 29-31 and page 13, lines 12-14. As a result, the Applicant respectfully asserts that a drawing of the claimed feature is not necessary for an understanding of the subject matter sought to be patented. Therefore, the Applicant respectfully requests re-instatement and continued examination of Claims 12 and 26 as dependent claims of the elected species. Alternately, the Applicant requests an opportunity to amend Figure 4 to illustrate the disclosed and claimed feature.

The Applicant submitted a Supplemental Information Disclosure Statement on November 24, 2003, to correct the deficiency noted with respect to the Information Disclosure Statement filed December 31, 2001, and respectfully requests consideration by the Examiner. In addition, at the personal interview on December 29, 2003, the Examiner acknowledged consideration of PCT Publication 01/60300 included in the IDS filed July 31, 2003 but not initialed by the Examiner in the Office Action mailed November 5, 2003.

The abstract of the disclosure was objected to as containing legal terminology, i.e., "comprise." The Applicant submits a new abstract to overcome the objection and conform the abstract to the currently pending claims.

The disclosure was objected to for various informalities. The Applicant notes that on page 4, line 26, "40" is the correct number and the word "nits" is properly spelled on page 13, line 6. The Applicant further notes that page 20, lines 21-22 have been

corrected to reflect the correct location of the description, which occurs after the cited passage on page 21, lines 13-26. Otherwise, the Applicant has amended the disclosure to correct each informality noted by the Examiner and more clearly describe the invention.

Claims 1-3, 5-11, 13-17, and 19-25 were objected to for various informalities. The Applicant has amended each claim to overcome the objections noted by the Examiner.

Claims 7 and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicant has canceled Claims 7 and 21.

Claims 2-3, 14, and 16-17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2002/0193771 (Edens '771). The Applicant has canceled Claims 2-3 and 16-17 and amended Claim 14 to more clearly recite that the claimed invention includes printed text on a surface which is not disclosed in Edens '771. Therefore, the Applicant requests that the rejection of Claim 14 be withdrawn.

Claims 1-3, 5-7, 11, 13, 15-17, 19-21, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Molnlycke PCT '008 in view of Lassen '062. Claims 8, 10, 22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Molnlycke '008 in view of Lassen '062, Lenaghan '326, and Srinivasan '567. The Applicant has amended independent Claims 1 and 15 to improve readability and recite that the retainer flap extends over the baffle and covers greater than about 40 percent of the surface opposed to the body-faceable surface. The specification enables and describes this limitation on page 4, lines 25-26.

Lassen '062 discloses an anatomically conformable labial sanitary pad.

Lenaghan '326 discloses a catamenial bandage with a gauze wrap 90 that can be stretched over a folded, used bandage. Srinivasan '567 discloses a wrapped sanitary napkin. Neither Lassen '062, Lenaghan '326, nor Srinivasan '567 discloses a retainer flap that extends over the baffle and covers greater than about 40 percent of the surface opposed to the body-faceable surface.

To the extent that Molnlycke PCT '008 discloses a retainer flap, Molnlycke PCT '008 illustrates such a flap as covering less than approximately 20 percent of the baffle and explicitly teaches away from a flap covering greater than about 40 percent of the surface opposed to the body-faceable surface, as follows:

In order to convert such an article into package form, it is necessary first to bring the sheet 4 to the opposite side of the absorbent body prior to folding the article and then to tuck the opposite end of the article into the space defined between the sheet and envelope. (Molnlycke PCT '008, p. 3, line 36 through p. 4, line 3).

Thus, the sheet 4 in Molnlycke PCT '008 necessarily covers a limited amount of the baffle to facilitate the principle operation of "tucking" the opposite end into the inverted sheet. Modifying Molnlycke PCT '008 to cover greater than about 40 percent of the outer layer 3 would preclude simply "tucking" the opposite end of the absorbent article into the inverted sheet and would substantially change the principle of operation taught by Molnlycke PCT '008. Therefore, the Applicants respectfully assert that Claims 1, 5, 8-11, 13-15, 19, and 22-25 are patentable over Molnlycke PCT '008 in view of Lassen '062, Lenaghan '326, and Srinivasan '567 and respectfully request that the rejection to these claims be withdrawn.

*Refiled  
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Claims 1, 5-11, 13, 15, and 19-25 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting and/or 35 U.S.C. 103(a) in view of co-pending Application 09/975,108. The Applicant responds that the present Application and co-pending Application 09/975,108 are commonly owned by assignment to Kimberly-Clark Worldwide, Inc., dated April 14, 1997 and recorded April 21, 1997 at reel/frame 8519/0919.

In view of the above discussion, the Applicant respectfully submits that the claims patentably define over the cited references. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Reichle is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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*Steven R. LeBlanc*  

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Steven R. LeBlanc  
DORITY & MANNING, P.A.  
P.O. Box 1449  
Greenville, SC 29602  
(864) 271-1592  
(864) 233-7342